

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 7 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means any legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees which are supported in whole or in part by tax
16 revenue, or which expend tax revenue, and a School Finance
17 Authority created under Article 1E of the School Code. "Public
18 body" does not include a child death review team or the
19 Illinois Child Death Review Teams Executive Council
20 established under the Child Death Review Team Act.

21 (b) "Person" means any individual, corporation,
22 partnership, firm, organization or association, acting
23 individually or as a group.

24 (c) "Public records" means all records, reports, forms,
25 writings, letters, memoranda, books, papers, maps,
26 photographs, microfilms, cards, tapes, recordings, electronic
27 data processing records, recorded information and all other
28 documentary materials, regardless of physical form or
29 characteristics, having been prepared, or having been or being
30 used, received, possessed or under the control of any public
31 body. "Public records" includes, but is expressly not limited
32 to: (i) administrative manuals, procedural rules, and

1 instructions to staff, unless exempted by Section 7(p) of this
2 Act; (ii) final opinions and orders made in the adjudication of
3 cases, except an educational institution's adjudication of
4 student or employee grievance or disciplinary cases; (iii)
5 substantive rules; (iv) statements and interpretations of
6 policy which have been adopted by a public body; (v) final
7 planning policies, recommendations, and decisions; (vi)
8 factual reports, inspection reports, and studies whether
9 prepared by or for the public body; (vii) all information in
10 any account, voucher, or contract dealing with the receipt or
11 expenditure of public or other funds of public bodies; (viii)
12 the names, salaries, titles, and dates of employment of all
13 employees and officers of public bodies; (ix) materials
14 containing opinions concerning the rights of the state, the
15 public, a subdivision of state or a local government, or of any
16 private persons; (x) the name of every official and the final
17 records of voting in all proceedings of public bodies; (xi)
18 applications for any contract, permit, grant, or agreement
19 except as exempted from disclosure by subsection (g) of Section
20 7 of this Act; (xii) each report, document, study, or
21 publication prepared by independent consultants or other
22 independent contractors for the public body; (xiii) all other
23 information required by law to be made available for public
24 inspection or copying; (xiv) information relating to any grant
25 or contract made by or between a public body and another public
26 body or private organization; (xv) waiver documents filed with
27 the State Superintendent of Education or the president of the
28 University of Illinois under Section 30-12.5 of the School
29 Code, concerning nominees for General Assembly scholarships
30 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
31 complaints, results of complaints, and Department of Children
32 and Family Services staff findings of licensing violations at
33 day care facilities, provided that personal and identifying
34 information is not released; ~~and~~ (xvii) records, reports,
35 forms, writings, letters, memoranda, books, papers, and other
36 documentary information, regardless of physical form or

1 characteristics, having been prepared, or having been or being
2 used, received, possessed, or under the control of the Illinois
3 Sports Facilities Authority dealing with the receipt or
4 expenditure of public funds or other funds of the Authority in
5 connection with the reconstruction, renovation, remodeling,
6 extension, or improvement of all or substantially all of an
7 existing "facility" as that term is defined in the Illinois
8 Sports Facilities Authority Act; and (xviii) settlement
9 agreements entered into by or on behalf of a public body,
10 provided that personal and identifying information, other than
11 the identities of the parties, is not released.

12 (d) "Copying" means the reproduction of any public record
13 by means of any photographic, electronic, mechanical or other
14 process, device or means.

15 (e) "Head of the public body" means the president, mayor,
16 chairman, presiding officer, director, superintendent,
17 manager, supervisor or individual otherwise holding primary
18 executive and administrative authority for the public body, or
19 such person's duly authorized designee.

20 (f) "News media" means a newspaper or other periodical
21 issued at regular intervals whether in print or electronic
22 format, a news service whether in print or electronic format, a
23 radio station, a television station, a television network, a
24 community antenna television service, or a person or
25 corporation engaged in making news reels or other motion
26 picture news for public showing.

27 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
28 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.
29 7-11-02.)

30 (5 ILCS 140/7) (from Ch. 116, par. 207)

31 Sec. 7. Exemptions.

32 (1) The following shall be exempt from inspection and
33 copying:

34 (a) Information specifically prohibited from
35 disclosure by federal or State law or rules and regulations

1 adopted under federal or State law.

2 (b) Information that, if disclosed, would constitute a
3 clearly unwarranted invasion of personal privacy, unless
4 the disclosure is consented to in writing by the individual
5 subjects of the information. The disclosure of information
6 that bears on the public duties of public employees and
7 officials shall not be considered an invasion of personal
8 privacy. Information exempted under this subsection (b)
9 shall include but is not limited to:

10 (i) files and personal information maintained with
11 respect to clients, patients, residents, students or
12 other individuals receiving social, medical,
13 educational, vocational, financial, supervisory or
14 custodial care or services directly or indirectly from
15 federal agencies or public bodies;

16 (ii) personnel files and personal information
17 maintained with respect to employees, appointees or
18 elected officials of any public body or applicants for
19 those positions;

20 (iii) files and personal information maintained
21 with respect to any applicant, registrant or licensee
22 by any public body cooperating with or engaged in
23 professional or occupational registration, licensure
24 or discipline;

25 (iv) information required of any taxpayer in
26 connection with the assessment or collection of any tax
27 unless disclosure is otherwise required by State
28 statute;

29 (v) information revealing the identity of persons
30 who file complaints with or provide information to
31 administrative, investigative, law enforcement or
32 penal agencies; provided, however, that identification
33 of witnesses to traffic accidents, traffic accident
34 reports, and rescue reports may be provided by agencies
35 of local government, except in a case for which a
36 criminal investigation is ongoing, without

1 constituting a clearly unwarranted per se invasion of
2 personal privacy under this subsection; and

3 (vi) the names, addresses, or other personal
4 information of participants and registrants in park
5 district, forest preserve district, and conservation
6 district programs.

7 (c) Records compiled by any public body for
8 administrative enforcement proceedings and any law
9 enforcement or correctional agency for law enforcement
10 purposes or for internal matters of a public body, but only
11 to the extent that disclosure would:

12 (i) interfere with pending or actually and
13 reasonably contemplated law enforcement proceedings
14 conducted by any law enforcement or correctional
15 agency;

16 (ii) interfere with pending administrative
17 enforcement proceedings conducted by any public body;

18 (iii) deprive a person of a fair trial or an
19 impartial hearing;

20 (iv) unavoidably disclose the identity of a
21 confidential source or confidential information
22 furnished only by the confidential source;

23 (v) disclose unique or specialized investigative
24 techniques other than those generally used and known or
25 disclose internal documents of correctional agencies
26 related to detection, observation or investigation of
27 incidents of crime or misconduct;

28 (vi) constitute an invasion of personal privacy
29 under subsection (b) of this Section;

30 (vii) endanger the life or physical safety of law
31 enforcement personnel or any other person; or

32 (viii) obstruct an ongoing criminal investigation.

33 (d) Criminal history record information maintained by
34 State or local criminal justice agencies, except the
35 following which shall be open for public inspection and
36 copying:

1 (i) chronologically maintained arrest information,
2 such as traditional arrest logs or blotters;

3 (ii) the name of a person in the custody of a law
4 enforcement agency and the charges for which that
5 person is being held;

6 (iii) court records that are public;

7 (iv) records that are otherwise available under
8 State or local law; or

9 (v) records in which the requesting party is the
10 individual identified, except as provided under part
11 (vii) of paragraph (c) of subsection (1) of this
12 Section.

13 "Criminal history record information" means data
14 identifiable to an individual and consisting of
15 descriptions or notations of arrests, detentions,
16 indictments, informations, pre-trial proceedings, trials,
17 or other formal events in the criminal justice system or
18 descriptions or notations of criminal charges (including
19 criminal violations of local municipal ordinances) and the
20 nature of any disposition arising therefrom, including
21 sentencing, court or correctional supervision,
22 rehabilitation and release. The term does not apply to
23 statistical records and reports in which individuals are
24 not identified and from which their identities are not
25 ascertainable, or to information that is for criminal
26 investigative or intelligence purposes.

27 (e) Records that relate to or affect the security of
28 correctional institutions and detention facilities.

29 (f) Preliminary drafts, notes, recommendations,
30 memoranda and other records in which opinions are
31 expressed, or policies or actions are formulated, except
32 that a specific record or relevant portion of a record
33 shall not be exempt when the record is publicly cited and
34 identified by the head of the public body. The exemption
35 provided in this paragraph (f) extends to all those records
36 of officers and agencies of the General Assembly that

1 pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial
3 information obtained from a person or business where the
4 trade secrets or information are proprietary, privileged
5 or confidential, and if such ~~or where~~ disclosure of the
6 trade secrets or information may cause competitive harm,
7 including all information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act. Nothing contained in this paragraph (g)
10 shall be construed to prevent a person or business from
11 consenting to disclosure.

12 (h) Proposals and bids for any contract, grant, or
13 agreement, including information which if it were
14 disclosed would frustrate procurement or give an advantage
15 to any person proposing to enter into a contractor
16 agreement with the body, until an award or final selection
17 is made. Information prepared by or for the body in
18 preparation of a bid solicitation shall be exempt until an
19 award or final selection is made.

20 (i) Valuable formulae, computer geographic systems,
21 designs, drawings and research data obtained or produced by
22 any public body when disclosure could reasonably be
23 expected to produce private gain or public loss. The
24 exemption for "computer geographic systems" provided in
25 this paragraph (i) does not extend to requests made by news
26 media as defined in Section 2 of this Act when the
27 requested information is not otherwise exempt and the only
28 purpose of the request is to access and disseminate
29 information regarding the health, safety, welfare, or
30 legal rights of the general public.

31 (j) Test questions, scoring keys and other examination
32 data used to administer an academic examination or
33 determined the qualifications of an applicant for a license
34 or employment.

35 (k) Architects' plans, engineers' technical
36 submissions, and other construction related technical

1 documents for projects not constructed or developed in
2 whole or in part with public funds and the same for
3 projects constructed or developed with public funds, but
4 only to the extent that disclosure would compromise
5 security, including but not limited to water treatment
6 facilities, airport facilities, sport stadiums, convention
7 centers, and all government owned, operated, or occupied
8 buildings.

9 (l) Library circulation and order records identifying
10 library users with specific materials.

11 (m) Minutes of meetings of public bodies closed to the
12 public as provided in the Open Meetings Act until the
13 public body makes the minutes available to the public under
14 Section 2.06 of the Open Meetings Act.

15 (n) Communications between a public body and an
16 attorney or auditor representing the public body that would
17 not be subject to discovery in litigation, and materials
18 prepared or compiled by or for a public body in
19 anticipation of a criminal, civil or administrative
20 proceeding upon the request of an attorney advising the
21 public body, and materials prepared or compiled with
22 respect to internal audits of public bodies.

23 (o) Information received by a primary or secondary
24 school, college or university under its procedures for the
25 evaluation of faculty members by their academic peers.

26 (p) Administrative or technical information associated
27 with automated data processing operations, including but
28 not limited to software, operating protocols, computer
29 program abstracts, file layouts, source listings, object
30 modules, load modules, user guides, documentation
31 pertaining to all logical and physical design of
32 computerized systems, employee manuals, and any other
33 information that, if disclosed, would jeopardize the
34 security of the system or its data or the security of
35 materials exempt under this Section.

36 (q) Documents or materials relating to collective

1 negotiating matters between public bodies and their
2 employees or representatives, except that any final
3 contract or agreement shall be subject to inspection and
4 copying.

5 (r) Drafts, notes, recommendations and memoranda
6 pertaining to the financing and marketing transactions of
7 the public body. The records of ownership, registration,
8 transfer, and exchange of municipal debt obligations, and
9 of persons to whom payment with respect to these
10 obligations is made.

11 (s) The records, documents and information relating to
12 real estate purchase negotiations until those negotiations
13 have been completed or otherwise terminated. With regard to
14 a parcel involved in a pending or actually and reasonably
15 contemplated eminent domain proceeding under Article VII
16 of the Code of Civil Procedure, records, documents and
17 information relating to that parcel shall be exempt except
18 as may be allowed under discovery rules adopted by the
19 Illinois Supreme Court. The records, documents and
20 information relating to a real estate sale shall be exempt
21 until a sale is consummated.

22 (t) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.

26 (u) Information concerning a university's adjudication
27 of student or employee grievance or disciplinary cases, to
28 the extent that disclosure would reveal the identity of the
29 student or employee and information concerning any public
30 body's adjudication of student or employee grievances or
31 disciplinary cases, except for the final outcome of the
32 cases.

33 (v) Course materials or research materials used by
34 faculty members.

35 (w) Information related solely to the internal
36 personnel rules and practices of a public body.

1 (x) Information contained in or related to
2 examination, operating, or condition reports prepared by,
3 on behalf of, or for the use of a public body responsible
4 for the regulation or supervision of financial
5 institutions or insurance companies, unless disclosure is
6 otherwise required by State law.

7 (y) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (z) Manuals or instruction to staff that relate to
10 establishment or collection of liability for any State tax
11 or that relate to investigations by a public body to
12 determine violation of any criminal law.

13 (aa) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other records
16 prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (bb) Insurance or self insurance (including any
20 intergovernmental risk management association or self
21 insurance pool) claims, loss or risk management
22 information, records, data, advice or communications.

23 (cc) Information and records held by the Department of
24 Public Health and its authorized representatives relating
25 to known or suspected cases of sexually transmissible
26 disease or any information the disclosure of which is
27 restricted under the Illinois Sexually Transmissible
28 Disease Control Act.

29 (dd) Information the disclosure of which is exempted
30 under Section 30 of the Radon Industry Licensing Act.

31 (ee) Firm performance evaluations under Section 55 of
32 the Architectural, Engineering, and Land Surveying
33 Qualifications Based Selection Act.

34 (ff) Security portions of system safety program plans,
35 investigation reports, surveys, schedules, lists, data, or
36 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (gg) Information the disclosure of which is restricted
6 and exempted under Section 50 of the Illinois Prepaid
7 Tuition Act.

8 (hh) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act.

10 (ii) Beginning July 1, 1999, information that would
11 disclose or might lead to the disclosure of secret or
12 confidential information, codes, algorithms, programs, or
13 private keys intended to be used to create electronic or
14 digital signatures under the Electronic Commerce Security
15 Act.

16 (jj) Information contained in a local emergency energy
17 plan submitted to a municipality in accordance with a local
18 emergency energy plan ordinance that is adopted under
19 Section 11-21.5-5 of the Illinois Municipal Code.

20 (kk) Information and data concerning the distribution
21 of surcharge moneys collected and remitted by wireless
22 carriers under the Wireless Emergency Telephone Safety
23 Act.

24 (ll) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a community's
27 population or systems, facilities, or installations, the
28 destruction or contamination of which would constitute a
29 clear and present danger to the health or safety of the
30 community, but only to the extent that disclosure could
31 reasonably be expected to jeopardize the effectiveness of
32 the measures or the safety of the personnel who implement
33 them or the public. Information exempt under this item may
34 include such things as details pertaining to the
35 mobilization or deployment of personnel or equipment, to
36 the operation of communication systems or protocols, or to

1 tactical operations.

2 (mm) Maps and other records regarding the location or
3 security of a utility's generation, transmission,
4 distribution, storage, gathering, treatment, or switching
5 facilities.

6 (nn) Law enforcement officer identification
7 information or driver identification information compiled
8 by a law enforcement agency or the Department of
9 Transportation under Section 11-212 of the Illinois
10 Vehicle Code.

11 (oo) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Residential Health Care Facility
14 Resident Sexual Assault and Death Review Teams Executive
15 Council under the Residential Health Care Facility
16 Resident Sexual Assault and Death Review Team Act.

17 (2) This Section does not authorize withholding of
18 information or limit the availability of records to the public,
19 except as stated in this Section or otherwise provided in this
20 Act.

21 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
22 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
23 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
24 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
25 8-21-03; 93-617, eff. 12-9-03.)